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June 7, 2006

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CLIENT/MATTER NUMBER  
 026488-0100

**VIA FACSIMILE AND U.S. MAIL**

Members of the Commission  
 Fair Political Practices Commission  
 428 J Street, Suite 800  
 Sacramento, CA 95814

Re: Public Comments for June 8, 2006 Commission meeting  
 concerning revisions to "Public Generally" regulations

Dear Commissioners:

It has recently been brought to our attention that your Project Calendar for 2006 includes an item described as the "'Public Generally' Cluster." It is our understanding that your Commission Agenda for June 8, 2006 includes discussion about revising FPPC Regulations 18707, 18707.1 and 18707.9, as recommended or proposed by Lisa Foster on or about August 22, 2005. The proposal to revise the "public generally" regulations is unnecessary, and creates a slippery slope by carving out narrow exceptions. The Commission should not enter a new world of legislating exceptions to the initiative-created Political Reform Act ("Act").

Proposition 9 was overwhelmingly supported by the voters in 1974, which created the Act. The initiative did not define a "public generally" exception—the thresholds were created by the Commission to clarify the requirements imposed by the Act. Each time the Commission adds or amends a regulation, it must be evaluated in the context of what the voters approved in the Act. The Commission must take care to not legislate beyond that authority.

The proposal submitted by Lisa Foster would carve out a "small coastal city homeowner" exception to the "public generally" rule. The voters did not intend to carve out distinctions between elected officials on the basis of "small" or large jurisdictions, "coastal" or inland areas, cities or counties, or homeowners or renters. To allow interested public officials, otherwise disqualified, to participate in governmental decisions simply because they reside in "small coastal" cities would turn the Act on its head. The parade of "special" circumstances for various flavors of public agencies would never end.

We urge the Commission to decline the invitation to draft narrow, politically-motivated exceptions to the mandate expressed by the voters. Please include me on your list of

BOSTON  
 BRUSSELS  
 CHICAGO  
 DETROIT

JACKSONVILLE  
 LOS ANGELES  
 MADISON  
 MILWAUKEE

NEW YORK  
 ORLANDO  
 SACRAMENTO  
 SAN DIEGO

SAN DIEGO/DEL MAR  
 SAN FRANCISCO  
 SILICON VALLEY  
 TALLAHASSEE

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interested persons should you decide to go forward with a process to amend or propose new regulations concerning the "public generally" exception.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John C. Lemmo', written over a horizontal line.

John C. Lemmo